

***IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION***

AMANDA DUCKWORTH &
DALE ELDREDGE,

Plaintiffs,

v.

TRACTOR SUPPLY COMPANY,

Defendant.

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CIVIL ACTION NO. 2:22-CV-54

PLAINTIFFS' ORIGINAL COMPLAINT

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, AMANDA DUCKWORTH & DALE ELDREDGE, and file this, their Original Complaint, complaining of ***TRACTOR SUPPLY COMPANY***, and, in support thereof, would respectfully show unto the Court the following:

I.

PARTIES

1. ***AMANDA DUCKWORTH*** is an individual residing in the Eastern District of Texas.
2. ***DALE ELDREDGE*** is an individual residing in the Eastern District of Texas.
3. ***TRACTOR SUPPLY COMPANY*** ("***TRACTOR SUPPLY***") is a foreign corporation with its principal place of business located in Brentwood, Tennessee. It may be served through its registered agent, CT Corporation System, at 1999 Bryan Street, Suite 900, Dallas, Texas 75201-3136.

II.

JURISDICTION & VENUE

4. This Court has jurisdiction pursuant to 28 U.S.C. § 1332 (West 2022) in that complete diversity of citizenship exists between the parties and the amount in controversy exceeds \$75,000.00.
5. Venue is proper in this Court in that all or a substantial portion of the facts giving rise to Plaintiff's claims occurred in the Eastern District of Texas. Specifically, the automobile accident underling Plaintiffs' claims for bodily injuries occurred on U.S. Highway 79 near the community of Fairplay in Panola County, Texas.

III.

FACTUAL BACKGROUND

6. On January 5, 2022 on U.S. Highway 79 in Panola County, Texas, Aaron Allen steered a 2002 Chevrolet Corvette into oncoming traffic and attempted to pass a second vehicle which was Westbound on U.S. Highway 79.
7. Aaron Allen failed to perceive the 2012 Ford F250 pickup driven by ***DALE ELDREDGE*** and occupied by ***AMANDA DUCKWORTH*** which was Eastbound on Highway 79.
8. Aaron Allen crashed the 2002 Corvette head-on into the 2012 Ford F250 in the Eastbound lane of U.S. Highway 79.
9. At all times relevant herein, Aaron Allen acted in the course and scope of his employment with ***TRACTOR SUPPLY*** as a District FAST Team Supervisor.

10. Likewise, ***DUCKWORTH & ELDREDGE*** acted at all times prudently and with due care for their own safety.

IV.

NEGLIGENCE

11. ***DUCKWORTH & ELDREDGE*** would show the Court that Aaron Allen failed to use ordinary care in the operation of the 2002 Corvette. More particularly, Aaron Allen (a) attempted to pass when unsafe; (b) failed to keep a proper lookout and/or (c) drove while fatigued, distracted and/or impaired.
12. ***DUCKWORTH & ELDREDGE*** would further show the Court that ***TRACTOR SUPPLY*** failed to use ordinary care in the hiring training and supervision of Aaron Allen.
13. Finally, ***DUCKWORTH & ELDREDGE*** would show the Court that at all times relevant herein, Aaron Allen acted in the course and scope of his employment with ***TRACTOR SUPPLY*** such that ***TRACTOR SUPPLY*** is vicariously liable for his conduct under the doctrine of *respondent superior*.

V.

DAMAGES

14. The crash inflicted serious and permanently disabling injuries on ***DUCKWORTH & ELDREDGE*** as a consequence of which they have incurred medical expenses, lost the ability to perform household services & suffered from pain, physical impairment and disfigurement since the time of the crash.
15. In all reasonable probability, ***DUCKWORTH & ELDREDGE*** will incur additional medical expenses in the future and continue to sustain a lost ability to perform household

services and suffer from pain, physical impairment and disfigurement for the rest of their lives.

16. **ELDREDGE** has further sustained property damages including the total loss of his 2012 Ford F250 pickup, reasonable & necessary charges for towing & storing the F250 and the fair rental value of his truck.

V.

JURY DEMAND

17. **DUCKWORTH & ELDREDGE** hereby demand a trial by jury of all issues of fact.

WHEREFORE, PREMISES CONSIDERED, AMANDA DUCKWORTH & DALE ELDREDGE, respectfully pray that **TRACTOR SUPPLY COMPANY** be cited to appear and answer their allegations and that, upon final adjudication it be ordered to pay all damages to which they are justly entitled. **AMANDA DUCKWORTH & DALE ELDREDGE** further pray for such other such other relief to which they may be justly entitled both at law and in equity.

Respectfully submitted,

/s/ *James Holmes*

James A. Holmes
Texas Bar No. 00784290

THE LAW OFFICE OF JAMES HOLMES, P.C.

212 SOUTH MARSHALL
HENDERSON, TEXAS 75654
(903) 657-2800
(903) 657-2855 (fax)
jh@JamesHolmesLaw.com

ATTORNEY FOR PLAINTIFFS



OF COUNSEL:

Russell C. Brown
Texas Bar No. 03167510

RUSSELL C. BROWN, P.C.

104 WEST MAIN STREET
HENDERSON, TEXAS 75652
(903) 657-1865
(903) 655-0218 (fax)
russell@rcbrownlaw.com